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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

Order

The 12th July, 2019

No. SEC/3ME/2019/1533-1538.— Whereas, Sh. Kulwant Singh S/o Sh. Darshan Singh, contested election from ward No. 25 of Municipal Council, Fatehabad for membership, held on 22.05.2016 was disqualified by the Commission *vide* its order No. SEC/3ME/2019/1086-1094, dated 11.04.2019 due to non submission of election expenditure statement within the prescribed time limit.

2. Whereas, Sh. Kulwant Singh S/o Sh. Darshan Singh has filed an appeal against the above referred order. He has verbally pleaded that he was given an opportunity of personal hearing on dated 14.03.2019 in the PWD Rest House Fatehabad by the Secretary, State Election Commission, Haryana and he was appeared for personal hearing, but could not submit his election expenditure statement due to shifting of house and now submitted his election expenditure statement. On asking the reasons for not filing his election expenditure statement within the prescribed time, he has submitted that he was not aware the procedure of filing the election expenditure statement and further requested to withdraw disqualification order referred above.

3. Whereas, section 13E, 13G and 13 K in the Haryana Municipal Act, 1973 provides as under:-

“13E. Account of election expenses and maximum thereof. - (1) Every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be notified by the State Election Commission in this behalf.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

13G. – Removal or reduction of period of disqualification – The State Election Commission may, for reasons to be recorded in writing, remove or reduce the period of disqualification under Section 13F.

13 K. Review. - A member so disqualified under section 13 I or 13 J may file an application for review of order before the State Election Commission within a period of forty-five days from the receipt of the order. The order passed by the State Election Commission under this section shall be final and no civil court shall have jurisdiction to entertain a petition against such order.

4. It has also been observed that review application filed by the appellant is within 45 days as provided under section 13-K, hence considered. I have examined the election expenditure statement filed by Sh. Kulwant Singh who incurred an election expenditure amounting to Rs. 16080/-, which is within the prescribed expenditure limit as prescribed by the State Election Commission, Haryana vide its order No. SEC/3ME/2015/619, dated 03.06.2015. I am also satisfied with the reasons for filing his election expenditure statement beyond the prescribed time limit. Hence, the review application dated 28.05.2019 filed by Sh. Kulwant Singh S/o Sh. Darshan Singh is accepted and disqualification order dated 11.04.2019 is hereby withdrawn.

Panchkula:
The 3rd July, 2019.

DR. DALIP SINGH,
State Election Commissioner, Haryana.